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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,183	12/19/2001	Jeffrey A. Von Arx	279.391US1	6387
21186	7590	12/10/2007	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.			MANUEL, GEORGE C	
P.O. BOX 2938			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			3762	
MAIL DATE		DELIVERY MODE		
12/10/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/025,183	VON ARX ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
George Manuel	3762		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 October 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-24,28 and 36-46 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-24,28 and 36-46 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All   b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s):**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/30/07.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-24 and 36-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlee (US 5,630,835).

Brownlee discloses an implantable device comprising unit 10 having a near field antenna 16 that transmits and receives data from near field antenna 26. Antenna 28 is a far-field antenna for conducting long range radio frequency wireless communication from the implantable device 10. One of ordinary skill in the art would have found it obvious to conduct the communications between antenna 28 and antenna 26 according to a duty cycle because Brownlee teaches disabling coils when transmitting so that the same set of coils can be used to transmit electronically in and out. See col. 5, lines 44-67.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlee (US 5,630,835) in view of Krenz et al (US 5,532,708).

Brownlee anticipates all of the claimed features as discussed above except for the far field antenna comprising either a dipole or monopole antenna structure.

Krenz et al teach those skilled in the art will appreciate, the far field antenna radiation pattern in the dipole mode of operation forms nulls at both open ends of antenna dipole strips 13 and 14. Also, those skilled in the art will also appreciate that in the monopole mode of operation, the far field antenna radiation pattern forms nulls at the separation gap 16, between dipole antenna strips 13 and 14, and its image in ground plane area 12.

One of ordinary skill in the art would have found it obvious to combine the monopole and dipole teaching of Krenz et al with the antenna structures 26 and 28 of Brownlee because it is desirable to change the radiation patterns to meet varying locations for the far field source 32 and because Krenz et al teach the differences in the far field antenna radiation patterns, as the result of switching modes of operation, provide pattern diversity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.